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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2012 - 442
12	
13 14	MARICON FAJARDO, AKAS MARICON FAJARDO PANINGBATAN 4072 Summer Gate Avenue Vallejo, CA 94591  ACCUSATION
15	Registered Nurse License No. 451678
16	Respondent.
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18	
	Complainant alleges:
19	<u>PARTIES</u>
20	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22	Consumer Affairs.
23	2. On or about March 31, 1990, the Board of Registered Nursing issued Registered
24	Nurse License Number 451678 to Maricon Fajardo, aka Maricon Fajardo Paningbatan
25	
26	("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to
27	the charges brought herein and will expire on June 30, 2013, unless renewed.
28	

## <u>JURISDICTION</u>

- 3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
  - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

## COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## CAUSE FOR DISCIPLINE

- 8. Respondent is subject to disciplinary action under section 2761(a) of the Code in that she committed an act of unprofessional conduct while on duty as the night shift lead supervisor and as a registered nurse at Napa State Hospital ("NSH") on or about November 6, 2008. The circumstances are as follows:
- a. Respondent was employed at NSH as the night shift lead supervisor on the 11:00 p.m. to 7:00 a.m., shift on Unit A-7, on November 6, 2008. While on duty, she had the

responsibility to ensure that staff complied with NSH Administrative Directive No. 766 which provides for "Enhanced Observation of Individuals" with one level of enhanced observation being "Constant/In Sight Observation" ("CIO"). Patient A had a history as a sexual predator and was on CIO status, which required that he at all times be kept in the direct line of sight of an assigned staff member who would be able to notice and intervene if a dangerous incident occurred. Patient A at the time of the incident was placed in a room with two other male patients.

- b. On arrival for the night shift, Respondent was informed that Patient A had not been under CIO for the duration of the evening shift. Respondent considered this to be a form of abandonment/patient abuse in accord with NSH Administrative Directive 437. However, she failed to report this incident as the night shift supervisor and/or failed to direct staff to report this incident as required by NSH Administrative Directive 437.
- c. Adverse action was taken against Respondent by NSH for violation of the above Administrative Directives.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 451678, issued to Maricon Fajardo, aka Maricon Fajardo Paningbatan.
- 2. Ordering Maricon Fajardo, aka Maricon Fajardo Paningbatan, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: July 19, 2011

LQUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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Accusation